



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

### TITLE 2. COMMISSION ON STATE MANDATES

#### TITLE 2. ADMINISTRATION DIVISION 2. FINANCIAL OPERATIONS CHAPTER 2.5. COMMISSION ON STATE MANDATES

#### NOTICE OF PROPOSED RULEMAKING

The Commission on State Mandates (Commission) proposes to adopt the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The Commission has not scheduled a public hearing on this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at **5:00 p.m. on June 26, 2006**. The Commission will consider only comments received at the Commission offices by that time. Submit comments to:

Cathy Cruz, Program Analyst  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

#### AUTHORITY AND REFERENCE

Government Code section 17527, subdivision(g), authorizes the Commission to adopt the proposed regulations. This action will implement, interpret, and make specific Government Code section 17528. The purpose of this rulemaking is to clarify that designees of ex officio Commission members may continue to serve on the Commission until the designation is revoked or replaced by the current constitutional officer or director. It also clarifies that an election shall be conducted as soon as practicable to fill a vacant office (chairperson or vice-chairperson) held by a public member or local elected official.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission is a seven-member quasi-judicial body authorized to resolve disputes regarding the existence of state-mandated local programs (Gov. Code, § 17500 et seq.) and to hear matters involving applications for a finding of significant financial distress (Welf. & Inst. Code, § 17000.6). The Commission proposes to amend section 1181 under article 1 of the California Code of Regulations, title 2, division 2, chapter 2.5.

Section 1181.4 specifies the duties of officers, the time of election, that an election shall be conducted as soon as practicable to fill a vacant office, and that an election takes effect immediately. The Commission proposes to rename and amend this section to clarify the function of designees of ex officio Commission members and to clarify that an election shall be conducted as soon as practicable to fill a vacant office (chairperson or vice-chairperson) held by a public member or local elected official.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school district: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other non-discretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None

Significant effect on housing costs: None

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

*Small Business Determination:* Because the Commission has no jurisdiction over small businesses, the proposed regulatory action will have no impact on small businesses.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Cathy Cruz, Program Analyst  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
Telephone: (916) 323-3562

The backup contact person for these inquiries is:

Nancy Patton, Assistant Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
Telephone: (916) 323-3562

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Cruz at the above address.

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Commission order to initiate rulemaking proceedings. Copies may be obtained by contacting Ms. Cathy Cruz at the address or phone number listed above. All persons on the Commission's interested persons mailing list will automatically be sent a copy of the rulemaking file.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, and holding a public hearing, if necessary, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Commission adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ms. Cathy Cruz at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Cathy Cruz at the above address.

### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.csm.ca.gov](http://www.csm.ca.gov).

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Gov-

ernment Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

## CONFLICT OF INTEREST CODES

### ADOPTION

**MULTI-COUNTY:** Tulare Area Schools Employee Benefit Authority

A written comment period has been established commencing on **May 12, 2006**, and closing on **June 26, 2006**. Written comments should be directed to the Fair Political Practices Commission, Attention **Kevin S. Moen**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code, proposed pursuant to Government Code Section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **June 26, 2006**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

## EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Kevin S. Moen**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Kevin S. Moen**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3700(c) of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control as an emergency action on March 7, 2006. The Department proposes to continue the regulation as amended and submit a Certificate of Compliance for this action to the Office of Administrative Law no later than July 5, 2006.



A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before June 26, 2006.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

The emergency amendment of Section 3700(c), Oak Mortality Disease Control, established the following as regulated under the articles and commodities covered as "associated hosts:" *Abies magnifica* (red fir), *Acer davidii* (striped bark maple), *Ardisia japonica* (ardisia), *Euonymus kiautschovicus* (spreading euonymus), *Gaultheria shallon* (salal, Oregon wintergreen), *Hamelis x intermedia* [(*H. mollis* & *H. japonica*) (hybrid witchhazel)], *Leucothoe axillaries* (fetter-bush, dog hobble), *Magnolia grandiflora* (Southern magnolia), *Michelia maudiae* (Michelia), *Michelia wilsonii* (Michelia), *Osmanthus decorus* [(=*Phillyrea decora*; =*P. vilmoriniana*) (Osmanthus)], *Prunus lusitanica* (Portuguese laurel cherry) and *Rosa rugosa* (rugosa rose).

Koch's postulates were completed for the following three associated hosts: *Adiantum aleuticum* (Western maidenhair fern), *Adiantum jordanii* (California maidenhair fern) and *Rhamnus californica* (California coffeeberry). As a result, these plants were deleted from the United States Department of Agriculture's (USDA) list entitled "Plants Associated with *Phytophthora ramorum*" and added to their list, "Proven Hosts Regulated for *Phytophthora ramorum*." The scientific names for two proven hosts were also updated: *Frangula californica* [(=*Rhamnus californica*) (California coffeeberry)] and *Frangula purshiana* [(=*Rhamnus purshiana*)

(cascara)]. Therefore, to ensure harmonization with the federal order governing interstate movement, equivalent changes were made by this emergency amendment to Section 3700(c) that governs intrastate movement.

The USDA's federal order refined six of its entries on the proven host list to clarify what it intends to be regulated. To ensure harmonization with the federal order, these changes were made to Section 3700(c), as follows:

- 1) *Pieris formosa* (Himalaya pieris) has been changed to "*Pieris formosa* and *P. formosa* x *P. japonica* and all hybrids of *P. formosa* (Himalaya andromeda);"
- 2) *Quercus parvula* var. *shrevei* has been modified by adding "and all nursery grown *Q. parvula*;"
- 3) *Viburnum plicatum* var. *tomentosum* (doublefile) has been changed to "*Viburnum plicatum* (doublefile viburnum);"
- 4) *Pseudotsuga menziesii* var. *menziesii* has been modified by adding "and all nursery grown *P. menziesii*;"
- 5) Brouwer's beauty andromeda (*Pieris floribunda* x *japonica*) has been changed to "mountain andromeda (*Pieris floribunda* and *P. floribunda* x *P. japonica* and all hybrids of *P. floribunda*);"
- 6) Forest flame andromeda (*Pieris formosa* x *japonica*) has been deleted from Section 3700(c);
- 7) Variegated and flaming silver andromeda (*Pieris japonica*) has been changed to "Japanese pieris (*Pieris japonica* and all hybrids of *P. japonica*);" and,
- 8) The deletion of *Pieris formosa* var. *forrestii* (Chinese pieris) and *Pieris formosa* var. *forrestii* x *Pieris japonica* (pieris) from Section 3700(c).

Finally, several changes were made that clarify the common names of some of the hosts or potential carriers of the pathogen regulated under Section 3700(c) to ensure those affected in California understand what is regulated. These changes include:

- 1) The addition of "Scotch" to "heather" after *Calluna vulgaris*;
- 2) The deletion of "a" and addition of "California" to "honeysuckle" after *Lonicera hispidula*;
- 3) The addition of "California" to "black oak" after *Quercus kelloggii*; and,
- 4) The deletion of "arrowwood" and the addition of "Bodnant viburnum" after *Viburnum* x *bodnantense*.

The effect of this emergency amendment to the regulation was to provide authority for the State to regulate the movement of additional associated hosts and potential carriers of the disease from the regulated area in order to prevent artificial spread of the pest to non-in-

festated areas within California and to correct typographical errors in the text. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3700(c) does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under regulation has a duty to enforce Section 3700. No reimbursement is required for Section 3700 under Section 17561 of the Government Code because the agricultural commissioners of the affected counties requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of amending the regulation on a representative private person or business is not expected to be significantly adverse. The agency is not aware of any new cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new busi-

nesses or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY

The Department amended Section 3700(c) pursuant to the authority vested by Sections 407, 5321, and 5322 of the Food and Agricultural Code of California.

#### REFERENCE

The Department amended Section 3700(c) to implement, interpret and make specific Sections 24.5, 5321, and 5322, Food and Agricultural Code; Sections 11425.50 and 11440.10, Government Code; and Section 1084 *et seq.*, Code of Civil Procedure.

#### EFFECT ON SMALL BUSINESSES

The amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted on its Internet website ([www.cdfa.ca.gov/plant/index.html](http://www.cdfa.ca.gov/plant/index.html)) the information regarding this proposed regulatory action. Select "Pro-

posed Changes in Regulations for Plant Health and Pest Prevention Services” and then section number(s).

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### **TITLE 3. DEPARTMENT OF PESTICIDE REGULATION**

Pertaining to Respiratory Protection  
DPR Regulation No. 06-002

#### **NOTICE OF PROPOSED REGULATORY ACTION**

The Department of Pesticide Regulation (DPR) proposes to amend sections 6000, 6720, 6738, and 6793, and adopt section 6739 of Title 3, California Code of Regulations (3 CCR). The proposed regulatory action pertains to respiratory protection worn by employees working with pesticide materials. In summary, the proposed action would revise the written respiratory protection program that employers must establish when employees are required by pesticide label, restricted materials permit, or regulation to use respirators in the workplace.

#### **SUBMITTAL OF COMMENTS**

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on June 26, 2006. Comments regarding this proposed action may also be transmitted

via e-mail <dpr06002@cdpr.ca.gov> or by facsimile (FAX) transmission at (916) 324-1452.

A public hearing is not scheduled. However, a public hearing will be scheduled if any interested person submits a written request for a public hearing to DPR no later than 15 days prior to the close of the written comment period.<sup>1</sup>

#### **EFFECT ON SMALL BUSINESS**

DPR has determined that the proposed regulatory action does affect small businesses.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

DPR’s mission is to protect public health and the environment from adverse effects of pesticide use. The Food and Agricultural Code (FAC) requires that DPR adopt regulations that provide for safe working conditions for persons handling pesticides and working in and about pesticide-treated areas, including regulations on the subject of respirators and other protective devices.

Within the last few years, both the U.S. Department of Labor’s (DOL’s) Occupational Safety and Health Administration (OSHA) and, subsequently, the California Department of Industrial Relation’s (DIR’s) Division of Occupational Safety and Health (Cal/OSHA) have revised their respiratory protection regulations. DPR’s existing respiratory protection regulations were patterned after DOL’s former regulations. These DPR regulations are contained in section 6738(h) and consist of a two-page, eight-point list of requirements with which an employer shall comply. Although considered protective, DPR needs to revise its respiratory protection regulations to maintain a respiratory program that is consistent with Cal/OSHA. DPR also recognizes that its compliance and protection would be increased from improved clarity.

The DIR regulations pertaining to respiratory protection are contained in Title 8 CCR, section 5144. Section 5144 is directly based on DOL’s regulation found in the Code of Federal Regulations, Title 29, section 1910.134, Respiratory Protection.

DPR has considered incorporating by reference the DIR regulations contained in section 5144. However, the regulations in section 5144 may not have been intended to encompass agriculture. DPR believes that since section 5144 was meant to cover a majority of industries, its scope must be broad and encompassing.

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<sup>1</sup> If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.



However, DPR's jurisdiction is confined only to the users of pesticides. Therefore, DPR is attempting to design regulations that are specific to the handling of pesticides. Hazardous conditions incidental to pesticide handling (e.g., entrance into a confined space environment for the purpose of making a pesticide application) are still rightly within the jurisdiction of DIR. Additionally, some of the principals of respiratory protection found in section 5144 (selection and use of a respirator based on the chemical and physical properties of the air contaminant, the levels of exposure, etc.) are already mandated by the U.S. Environmental Protection Agency-approved label requirements. The additional language in section 5144 not pertinent to pesticides is not included in the proposed text.

DOL's regulations were not intended or designed to cover pesticide-handling activities. Work sites where pesticides are handled are unique in comparison to other types of workplaces; thus the respiratory protection program should be designed to reflect these unique settings. The selection and use of respiratory protection is regulated through pesticide labeling. DOL's and DIR's programs require the employer to select and require the use of respirators based on the hazards at the work site. Based on the differences in these programs, DPR believes it is appropriate to design a separate respiratory protection program that is equivalent to the appropriate subsections of section 5144.

DPR proposes to add the following definitions to section 6000: "air-purifying respirator," "atmosphere-supplying respirator," "filter or air purifying element," "filtering facepiece," "immediately dangerous to life or health," "physician or other licensed health care professional," "qualitative fit test," and "quantitative fit test." These definitions are needed to clarify the proposed regulatory action in section 6739.

The proposed action would amend section 6720 (Safety of Employed Persons). When antimicrobial agents, used only as sanitizers, disinfectants, medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with the provisions of section 6720(c), provided the employer instead complies with any applicable requirements in corresponding provisions of 8 CCR. The proposed action would strike the reference to 3 CCR section 6738 and the corresponding reference to 8 CCR sections 3380 through 3385, and 5144 from the list in section 6720.

DPR's proposed new 3 CCR section 6739 is very similar to the existing DIR regulations in 8 CCR section 5144, but it has been crafted with language designed to meet the needs of California employers who must establish respiratory protection programs for the safety and protection of their employees that work with pesticides. This proposed section would require the employer to identify a physician or other professional licensed

health care provider (PLHCP) to perform a medical evaluation prior to requiring an employee to use a respirator. The medical evaluation begins with the employee confidentially completing a medical questionnaire or providing employees with an initial medical examination that covers the same material. The PLHCP determines if a medical examination is necessary and if the employee is physically fit to wear respiratory protection. The employer is required to obtain a written recommendation from the PLHCP regarding an employee's ability to use a respirator.

The proposed action would also delete subsection (h) from section 6738 since proposed section 6739 would contain DPR's regulations pertaining to respiratory protection. Existing subsection (i) would then be designated as new subsection (h). An informational note for section 6738(e) would also be deleted. In addition, DPR proposes to make necessary changes to references in section 6793 as a result of proposed amendments in section 6738.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

#### COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

#### EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the State will result from the proposed action.

#### EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

### **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES**

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The proposed regulation essentially writes into 3 CCR the respirator safety regulations which already are effective under Cal/OSHA's 8 CCR provisions. Thus, most agricultural applicators should have in place the provisions related to training, use, supervision, and reporting that are included in the current proposed regulation. The proposed regulation does add some new provisions in these areas, particularly in mandating an updated training program. The total cost of these updated programs is expected to be minor.

The California Employment Development Department reports that approximately half of the 450,000 agricultural workers are employed in the production of fruits and vegetables during the summer, the peak employment season. There are approximately 74,000 farms in California, but only about 44,000 reported use of pesticides in 1997 (U.S. Census of Agriculture, 1997). DPR staff estimate that 6,033 of the agricultural workers use respirators that fall under the provisions of these regulations, and that these workers are employed by 3,183 businesses.

The proposed regulation could affect roughly three percent of the agricultural workers and up to five percent of the farms. Some of the agricultural enterprises affected by the proposed regulation perform contract work that requires the use of respirators and the number of these workers is difficult to establish. Thus, to simplify the calculations used in this economic analysis, it will be assumed that there are 6,000 affected workers, and 3,200 affected businesses.

As a brief summary, in the initial year of the regulation, all 6,000 California agricultural workers subject to the regulation would be required to undergo a physical examination. However, under the assumption that

about half of these workers already participate in annual examinations by a physician, the provision would only apply to 3,000 additional workers. Other minor costs resulting from this regulation—updated written programs, training, documentation, recordkeeping, and evaluation—occur primarily in the first year of the regulation, and represent about 30 percent of the total first-year cost. The combined expected first-year cost is estimated to be \$700,000, or approximately \$117 per worker.

Since most of the overall cost of the proposed regulation is related to the new requirement for physical examination by a PLHCP, the frequency of these examinations is a significant determinant of the estimated ongoing cost. It is assumed that these examinations will be required on average only every three years. Thus, the eventual annual additional cost due to this provision of the proposed regulation would be about \$155,000. The ongoing cost, after the third year, is estimated to be \$180,000, or approximately \$30 per worker.

### **IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS**

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

### **CONSIDERATION OF ALTERNATIVES**

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

### **AUTHORITY**

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 11502, 12111, 12781, 12976, 12981, and 14005.

### **REFERENCE**

This regulatory action is to implement, interpret, or make specific FAC sections 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146, and 14006.

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
(916) 445-3991

In the event the contact person is unavailable, or questions on the substance of the proposed regulatory action, particularly technical or historical questions concerning the respiratory protection regulations, may be directed to:

Harvard Fong, Senior Industrial Hygienist  
Worker Health and Safety Branch  
Department of Pesticide Regulation  
(916) 445-4211

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

AVAILABILITY OF FINAL STATEMENT  
OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

**TITLE 4. HORSE RACING BOARD**

HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF  
REGULATIONS

NOTICE OF PROPOSAL TO AMEND  
RULE 1976.8. PLACE PICK (N)

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1976.8. Place Pick (n). The proposed amendment provides that if the condition of the track warrants a change of surface in a race comprising a Place Pick (n) wager, and the public is not notified of the change prior to the close of wagering on the Place Pick (n), all wagers on the race shall be considered winning wagers for the purposes of the Place Pick (n) pool.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, June 29, 2006**, or as soon after that as business before the Board will permit, at the **Alameda County Fair Grounds, 4501 Pleasanton Avenue, Pleasanton, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on June 26, 2006**. The

Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6042  
E-Mail: [harolda@chrb.ca.gov](mailto:harolda@chrb.ca.gov)

### AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code. Reference: Sections 19593 and 19594, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Section 19593 and 19594, B&P Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19590 states the Board shall adopt rules governing, permitting, and regulating wagering on horse races under the system known as the pari-mutuel method of wagering. B&P Code Section 19593 states no method of betting, pool making, or wagering other than by the pari-mutuel method shall be permitted or used by any person licensed under this chapter to conduct a horse racing meeting. B&P Code Section 19594 provides that any person within the inclosure where a horse racing meeting is authorized may wager on the result of a horse race held at that meeting by contributing his money to the pari-mutuel pool operated by the licensee under this chapter.

In August 2005 the Board amended Rule 1976.9, Pick (n) Pool, to provide that if there was a change in the surface of the racetrack — from dirt to turf, or turf to dirt — in one of the races comprising the Pick (n) Pool, and the public was not notified of the change prior to the close of wagering on the Pick (n) Pool, all wagers on the race would be considered winning wagers for the purposes of the Pick (n) Pool. At that time, the amendment was applied only to Rule 1976.9. After the implementa-

tion of the amended rule, the Board determined that the provision for the change in racetrack surface could also be effectively applied to Rule 1976.8. The proposed amendment to Rule 1976.8 provides that if the racing surface changes from turf to dirt or dirt to turf in any race comprising a Place Pick (n), and such change is not announced to the public before the close of wagering on the Place Pick (n) pool, all wagers on the race shall be considered winning wagers for the purposes of the Place Pick (n) pool. The proposed amendment is meant to protect the wagering public who might not have been fully informed regarding the racing surface when they placed their wagers. Horses that perform well on one type of organic course might not perform as expected on a different type of course, so information regarding a change from turf to dirt, or dirt to turf, can affect how a fan might wager. If such information is not promulgated in a timely manner, the proposed amendment will compensate patrons by having wagers on the particular leg of the Place Pick (n) declared winning wagers for the purposes of the Place Pick (n) pool.

### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.  
Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1976.8 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1976.8 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1976.8 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.



## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

## CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [harolda@chrb.ca.gov](mailto:harolda@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Jacqueline Wagner, Manager  
Policy and Regulations  
Telephone: (916) 263-6041

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

## AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt

the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

## AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

## BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## TITLE 4. HORSE RACING BOARD

### TITLE 4. DIVISION 4, CALIFORNIA CODE OF REGULATIONS

#### NOTICE OF PROPOSAL TO AMEND RULE 1690.1 TOE GRABS PROHIBITED

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

## PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1690.1, Toe Grabs Prohibited. The proposed regulation prohibits thoroughbred horses from wearing toe grabs with a height greater than five millimeters on the front shoes while racing, and allow thoroughbreds to race while wearing shoes with "jar calks" that include toe grabs with a height greater than five millimeters if the track surface has been officially labeled as anything other than fast.

## PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, June 29, 2006, or as soon after that as business before the Board will permit, at the Alameda County Fair Grounds, 4501 Pleasanton Avenue, Pleasanton, California.** At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

## WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on June 26, 2006.** The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6042  
E-mail: [harolda@chrb.ca.gov](mailto:harolda@chrb.ca.gov)

## AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19562, Business and Professions (B&P) Code. Reference: section 19481, B&P Code.

B&P Code Sections 19420 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Section 19481, B&P Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. B&P Code Section 19562 states the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in California. B&P Code Section 19481 provides that the Board shall estab-

lish safety standards governing equipment for horse and rider.

The Board proposes to amend Rule 1690.1, Toe Grabs Prohibited. The proposed regulation would prohibit the use of toe grabs with a height greater than five millimeters on the front shoes of thoroughbred horses participating in a race. A toe grab is a type of horseshoe that is used to provide added traction for a horse. Toe grabs elevate the toe of the shoe, and can range in height from eight millimeters (high) to four millimeters (low). In 2005, the Board added Rule 1960.1 to prohibit the use of toe grabs over four millimeters in height on thoroughbreds. However, thoroughbred fairers report that only four out of five manufacturers produce low toe grabs that meet the four-millimeter requirement. Therefore, the Board determined that Rule 1690.1 should be amended to increase the minimum height to five millimeters. In addition, the proposed amendment would add Subsection 1960.1(b), which states shoes with jar calks that include toe grabs with a height greater than five millimeters will be permitted on thoroughbred horses when the track condition has been officially labeled as anything other than fast by the track superintendent. Jar calks are cleats in the rear portion of the shoe that provide added stability and traction in the mud by digging into the track. The combination of jar calks and toe grabs keep the hoof level. Jar calks are used most often when a track is officially labeled muddy (The deep condition of a track after being soaked with water). A fast track is one that has an ideal racing surface (Footing at best, dry, fast and even). The track superintendent, who is the individual responsible for the maintenance of the racetrack, determines the condition of the track throughout the day, which is then promulgated.

## DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.  
Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 1690.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 1690.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 1690.1 does not affect small businesses. The rule prohibits the use of certain toe grabs on thoroughbreds racing in California, which are not small businesses under Government Code Section 11342.610.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

### CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [harolda@chrb.ca.gov](mailto:harolda@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Jacqueline Wagner, Manager  
Policy and Regulations  
Telephone: (916) 263-6041

Jacqueline Wagner, Manager  
Policy and Regulation Unit  
Telephone: (916) 263-6397

### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

### AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final moment of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## TITLE 16. DEPARTMENT OF CONSUMER AFFAIRS

### BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

**NOTICE IS HEREBY GIVEN** that the Bureau of Security and Investigative Services (hereinafter re-

ferred to as “BSIS”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 1625 N. Market Boulevard, Hearing Room, First Floor South, Room 102, Sacramento, CA 95834 on June 27, 2006, beginning at 10:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by this office no later than 5:00 p.m. on June 27, 2006.

The BSIS, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

**Authority and Reference:** Business and Professions Code section 7574.2 authorizes the Director of Consumer Affairs to amend, adopt, or repeal regulations for the administration and enforcement of the Proprietary Security Services Act. Business and Professions Code sections 7574, 7574.1, 7574.2, and 7574.3, establish the requirements for proprietary private security officers. The proposed amendments to sections 600.1, 601.3, 602, 602.1, 603, 605, 606, 607.4, 608.3, and 627, and the adoption of sections 601.5 and 642.5, of Title 16 of the California Code of Regulations, will enable BSIS to implement the registration of proprietary private security officers.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 7574.2 authorizes the Director to amend, adopt, or repeal regulations for the administration and enforcement of the Proprietary Security Services Act. Statutes of 2005, Chapter 655 (SB 194), allows BSIS to implement the registration of proprietary private security officers.

1. The amendments to sections 600.1, 601.3, 602, 602.1, 603, 605, 606, 607.4, 608.3, and 627 in addition to the adoption of sections 601.5 and 642.5 of Title 16 of the California Code of Regulations, will enable BSIS to implement the required registration of proprietary private security officers as mandated by SB 194. These requirements are contained in sections 7574 through 7574.3 of the California Business and Professions Code.

2. Amendment of subdivision (c)(2) of section 608.3 would change the fees charged for a replacement registration or licensing card. Sections 7583.30 and 7585.16 of the Business and Professions Code, enacted by Chapter 1285 Statutes of 1994 (AB 3291) mandated the change of fees. However, corresponding changes have not yet been made to the regulations. Although the existing regulations specify the lesser fee, BSIS has been charging the higher fee, mandated by statute, since 1994. These proposed amendments are non-controversial and non-substantial and will conform the regulations to the statute.
3. The proposed amendments to subdivisions (e) and (f) of section 627 accommodate mandates effective in 1985 by Chapter 1299, §11, Statutes of 1984, which enacted Business and Professions Code section 7583.20. That statute changed renewals timing from renewing at the same time each year to a cyclical renewal period. It also allowed security guard registrants a 60-day delinquency period in which to renew their guard registrations. The proposed change would allow security guards to renew their guard registrations by paying the renewal fee plus a delinquency fee. BSIS has been following the statutory law since it became effective in 1985. The proposed amendments are non-controversial and non-substantive in that they conform the regulations to the statute.
4. The proposed amendment of section 601.5 clarifies the requirements for filing an application for a proprietary private security officer registration as well as the requirement to submit fingerprints for a criminal history background. The proposed amendment of section 642.5 clarifies the initial registration and renewal fees for proprietary private security officers.
5. BSIS proposes addition of the authority provided by Chapter 11.4 (Proprietary Security Services Act) of the California Business and Professions Code to all of the above sections.

## FISCAL IMPACT ESTIMATES

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** NONE

**Nondiscretionary Costs/Savings to Local Agencies:** NONE

**Local Mandate:** NONE



**Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:** NONE

**Business Impact:**

BSIS has made an initial determination that the proposed regulatory action will not have a significant, statewide economic impact directly affecting California businesses, it will not effect the ability of California businesses to compete with businesses in other states.

**Impact on Jobs/New Businesses:**

BSIS has determined that this regulatory proposal will have an impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**Cost Impact on Private Persons or Entities:**

BSIS has determined that the proposed regulatory action will have a slight cost impact that a representative private person would necessarily incur in reasonable compliance with the proposed action. The costs consist of an initial licensing fee of \$50 and the fingerprint processing fees of \$56. The licensing renewal fee is \$35 biannual. These costs are necessary to ensure public safety and security.

**Effect on Housing Costs:** NONE

EFFECT ON SMALL BUSINESS

BSIS has determined that the proposed regulations will have an effect on small businesses because the regulations do require proprietary private security officers to register with BSIS, pay a registration fee, and submit fingerprints for a criminal history background check. In some instances the costs associated with the security guard registration may be absorbed by the officer's employer.

CONSIDERATION OF ALTERNATIVES

The Bureau must determined that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

STATEMENT OF REASONS AND INFORMATION

BSIS has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from BSIS of Security and Investigative Services at 2420 Del Paso Road, Suite 270, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to:

Name: Noreene DeKoning  
Address: 2420 Del Paso Road, Suite 270  
Sacramento, CA 95834  
Telephone No.: (916) 575-7054  
Fax: (916) 575-7287  
E-Mail: noreene\_dekoning@dca.ca.gov

The backup contact person is:

Name: Donna Jacobsen  
Address: 2420 Del Paso Road, Suite 270  
Sacramento, CA 95834  
Telephone No: (916) 575-7052  
Fax: (916) 575-7287  
E-Mail Address: bsis@dca.ca.gov

Inquiries concerning the substance of the proposed regulation may be directed to Noreene DeKoning at telephone number, (916) 575-7054.

**Web site Access:** Materials regarding this proposal can be found on the BSIS's web site at [www.dca.ca.gov/bsis](http://www.dca.ca.gov/bsis).

## TITLE 18. STATE BOARD OF EQUALIZATION

### NOTICE IS HEREBY GIVEN

The State Board of Equalization (the Board), pursuant to the authority vested in it by sections 7372, 8251, 60063, and 60601 of the Revenue and Taxation Code, proposes to adopt Regulation 1125, Two-Party Exchange, in Title 18, Division 2, Chapter 1, and Regulation 1423, Two-Party Exchange, in Title 18, Division 2, Chapter 3, of the California Code of Regulations, relating to Two-Party Exchange, and to amend existing Regulation 1123, Supplier, in Title 18, Division 2, Chapter 1, of the California Code of Regulations, and existing Regulation 1420, Supplier, in Title 18, Division 2, Chapter 3, of the California Code of Regulations. A public hearing on the proposed regulatory action will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on Tuesday, June 27, 2006. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by the time of the public hearing.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law provides that primary liability for motor vehicle fuel tax under the Motor Vehicle Fuel Tax Law and primary liability for diesel fuel tax under the Diesel Fuel Tax Law is imposed on, among others, the position holder in a terminal and the refiner, on removal of motor vehicle fuel or diesel fuel from the terminal or refinery, if the fuel is removed at the rack. The Motor Vehicle Fuel Tax Law and the Diesel Fuel Tax Law contain provisions, in sections 7372, subdivision (b) and 60063, subdivision (b), respectively, that permit the Board to relieve the position holder or refiner from primary liability for payment of the motor vehicle fuel or diesel fuel tax imposed on them and to hold another person primarily liable for the tax, under certain conditions. The Board is permitted to adopt regulations it deems appropriate in order to implement this provision.

Regulation 1125, Two-Party Exchange, and Regulation 1423, Two-Party Exchange, are proposed to be promulgated to implement section 7372 of the Motor Vehicle Fuel Tax Law and section 60063 of the Diesel Fuel Tax Law, respectively. The regulations are proposed to provide a general description of a two-party exchange and the reasons for a two-party exchange, to define a two-party exchange, delivering supplier, and

receiving supplier, to explain the conditions that must be met in order to relieve the delivering supplier of the fuel tax liability, and to explain the reporting requirements of the terminal operator, delivering supplier, and receiving supplier.

The amendments to Regulation 1123, Supplier, and Regulation 1420, Supplier, are proposed to clarify that the delivering supplier, either the position holder or the refiner, under a two-party exchange remains primarily liable for the tax due on removal of motor vehicle fuel or diesel fuel from the terminal or refinery rack if the requirements for a two-party exchange pursuant to Regulation 1125 and Regulation 1423, respectively, are not met.

### COST OR SAVINGS TO STATE OR LOCAL AGENCIES OR SCHOOL DISTRICTS

The Board has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed regulatory action will result in no direct or indirect cost or savings to any state agency, or any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code, or other non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

### EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board makes an initial determination that the adoption of proposed Regulations 1125 and 1423 and proposed amendments to Regulations 1123 and 1420 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed regulations and proposed amendments will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand business in the State of California.

The regulations and amendments as proposed will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulations may affect small business.

### COST IMPACT ON PRIVATE PERSON OR BUSINESSES

There will be no adverse economic impact on private businesses or persons because the proposed regulatory action implements existing statutory provisions and does not impose any additional compliance or reporting requirements on private persons or businesses.

## SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

## FEDERAL REGULATIONS

Proposed Regulations 1125 and 1423 and Regulations 1123 and 1420 have no comparable federal regulations.

## AUTHORITY

Sections 7372, 8251, 60063, and 60601 of the Revenue and Taxation Code.

## REFERENCE

Sections 7372 and 60063 of the Revenue and Taxation Code.

## CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. Carolee Johnstone, (916) 323-7713, email [Carolee.Johnstone@boe.ca.gov](mailto:Carolee.Johnstone@boe.ca.gov), or by mail to State Board of Equalization, Attn: Carolee Johnstone, MIC:82, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, e-mail [Diane.Olson@boe.ca.gov](mailto:Diane.Olson@boe.ca.gov) or by mail at State Board of Equalization, Attn: Diane Olson, MIC: 80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

## ALTERNATIVES CONSIDERED

The Board must determine that no alternative it considered or that has otherwise been brought to its attention would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared a statement of reasons and an underscored version (express terms) of the proposed

regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulations and amendments are available on the internet at the Board's website <http://www.boe.ca.gov>.

## ADDITIONAL COMMENTS

Following the hearing, the Board may, in accordance with law, adopt the proposed regulations and amendments if the text remains substantially the same as described in the text originally made available to the public. If the Board makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulations and amendments. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The Board will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

## TITLE 22. EMPLOYMENT TRAINING PANEL

### NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Employment Training Panel (Panel) proposes to repeal Sections 4402.1, 4403, 4408 and 4431 in Title 22 of the California Code of Regulations. These actions would delete outdated procedures for a variety of funding programs, and would eliminate incorrect procedures for responding to requests under the Public Records Act. The Initial Statement of Reasons and Express Text of the proposed action is accessible through the *What's New* link on the Home Page of the ETP website ([www.etp.ca.gov](http://www.etp.ca.gov)).

### AUTHORITY AND REFERENCE

The Panel's rulemaking authority is set forth at Section 10205(m) of the Unemployment Insurance (UI) Code. The proposed repeals would affect the Panel's implementation of UI Code Sections 10200, 10201, 10213, 10204, 10205, 10214.5.

## INFORMATIVE DIGEST

Repeal T.22, C.C.R. Section 4402.1: Contractor Meetings. UI Code Section 10205(l) requires the Panel to “coordinate and consult regularly with business groups and labor organizations” and a variety of other government entities that assist in funding worker training. This regulation was designed to implement Section 10205(l) by providing for possible orientation meetings with prospective contractors and their employees.

Repeal T.22, C.C.R. Section 4403: Coordination with Other Agencies. UI Code Section 10200 requires the Panel to coordinate its efforts with other government funding programs. UI Code Sections 10204 and 10205 emphasizes the Panel’s obligation to coordinate with programs funded under the Workforce Investment Act. This regulation requires ETP to act as liaison, assist in planning, and respond to referrals from other state agencies.

Repeal T.22, C.C.R. Section 4408: California Career Ladders to the 21<sup>st</sup> Century Training. UI Code Section 10200 requires the Panel to coordinate its efforts with other government funding programs. UI Code Section 10213 requires the Employment Development Department (EDD) to cooperate with the Panel by offering necessary technical assistance. This regulation authorizes the Panel to jointly fund training projects with EDD under a California Career Ladders to the 21st Century Training program that emphasizes upward mobility training. This regulation caps the joint funding at \$500,000 per project, and identifies what information the Panel would use to evaluate a funding proposal under this program.

Repeal T.22, C.C.R. Section 4431: Public Records. This regulation establishes procedures for responding to requests for ETP records that are made under the Public Records Act (PRA) at Government Code Section 6250 *et seq.* Specifically, it requires the public to submit all requests in writing, and requires ETP to charge “a reasonable cost” for all photocopying. The PRA and interpretive court rulings set stringent standards on how to respond to requests for public records. Those standards establish that requests need not be in writing; and, although agencies may charge for copying, it can only be for the actual cost. This regulation does not clarify the PRA standards, nor make them specific. Indeed, the procedures in Section 4431 conflict with, or are inconsistent with, those standards. For these reasons, Section 4431 must be repealed.

## FISCAL DISCLOSURES

The Panel has made the following initial determinations regarding fiscal disclosures required by Section 11346.2 of the Government Code.

A. Fiscal Impact. The Panel has made an initial determination that the proposed actions do not impose costs or savings requiring reimbursement under Section 17500 *et seq.* of the Government Code. Furthermore, these actions do not impose non-discretionary costs or savings to any local agency; nor do they impact federal funding for the State.

The Panel has made an initial determination that the proposed actions do not impose costs or savings to any State agency pursuant to Section 11346.1(b) or 11346.5(a)(6) of the Government Code. Furthermore, there are no fiscal impact disclosures required by State Administrative Manual sections 6600–6670.

B. Cost Impacts. The Panel is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The same determination applies to housing costs. These actions simply clarify the Panel’s definition of Job Creation and thus, there would be no costs associated with these actions.

C. Adverse Impact on Business. The Panel has made an initial determination that the proposed actions do not have any significant, statewide adverse economic impact directly affecting business, including the ability to compete.

D. Effect on Small Business. The Panel has determined that the proposed actions will not affect small businesses unless they seek training funds. Since this action would clarify and simplify the Panel’s standards for reviewing and funding training proposals, this would be a positive effect.

E. Effect on Jobs and Business Expansion. The Panel has made an initial determination that the proposed actions would not create or eliminate jobs in California. Nor would they create new businesses or eliminate existing businesses in California. The Panel has made an initial determination that these actions would not directly affect the expansion of businesses currently operating in California.

F. Imposed Mandate. The Panel has made an initial determination that the proposed actions do not impose a mandate on local agencies or school districts.

## REASONABLE ALTERNATIVES

The Panel has made an initial determination that there are no reasonable alternatives to the proposed actions that would be more effective in carrying out their purpose, or that would be as effective and less burdensome to affected private parties. Interested persons are welcome to identify reasonable alternatives during the written comment period.



## WRITTEN COMMENT PERIOD

A 45-day written comment period has been established beginning on May 12, 2006 and ending at 5:00 p.m. on June 26, 2006. Any interested person, or his or her authorized representative, may present written comments on the proposed actions within that time period. Comments should be sent to:

Maureen Reilly  
Employment Training Panel, Legal Unit  
1100 "J" Street, Fourth Floor  
Sacramento, CA 95814  
Telephone: (916) 327-5252  
E-Mail: [mreilly@etp.ca.gov](mailto:mreilly@etp.ca.gov)  
FAX: (916) 327-5268

## PUBLIC HEARING

A public hearing will not be held unless one is requested by an interested person, or his or her authorized representative. The request must be submitted in writing to the address shown above no later than 5:00 p.m. on the fifteenth day before the written comment period ends. The request should identify the specific regulatory action for which the hearing is requested.

## MODIFICATIONS

Modifications to the text of the proposed regulatory actions may be made after the public comment period. If so, they will be posted on the ETP Website at [www.etp.ca.gov](http://www.etp.ca.gov). They will also be available upon request to the address shown above. Said modifications will be open to public comment for at least 15 days before their adoption, as noticed on the ETP Website.

## AVAILABILITY OF DOCUMENTS

The Panel has prepared an Initial Statement of Reasons for the proposed actions, and has compiled all information on which the actions were based. This statement, along with the express text of the proposed actions and the written information on which they were based, are available for inspection at the address shown above.

The Panel will prepare a Final Statement of Reasons at the conclusion of the public comment period. This final statement and the information on which it is based will also be available for inspection at the address shown above.

This Notice of Proposed Rulemaking is posted on the ETP Website at [www.etp.ca.gov](http://www.etp.ca.gov). The Initial Statement

of Reasons and the express text of the proposed actions are also posted on the ETP Website.

## CONTACT PERSONS

Requests for copies of the express text of the proposed actions and the modified text (if any), and the Initial Statement of Reasons, should be directed to the address shown above. In addition, the "rulemaking file" of written information on which the proposed actions are based is available for inspection upon request.

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### BOARD OF ACCOUNTANCY

Exam and Licensure

The regulatory action deals with examinations and licensure.

Title 16

California Code of Regulations

AMEND: 8.1, 12, 12.5, 21, 69

Filed 05/01/06

Effective 05/31/06

Agency Contact: Aronna Wong (916) 561-1788

#### BOARD OF GOVERNORS, CALIFORNIA COMMUNITY COLLEGES

Student Equity

This is a nonsubstantive action changing or amending such things as authority and reference citations and other "clean-up" type changes.

Title 5

California Code of Regulations

AMEND: 51026, 53206, 54024, 54100, 54616, 54700, 54706, 55005, 55160, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55403, 55404, 55512, 55522, 55530, 55605, 55675, 55753.5, 55753.7, 56000, 56050, 56062, 56200, 56201, 56202, 56204,

Filed 04/28/06

Effective 05/28/06

Agency Contact: Ralph D. Black (916) 327-5692

**BOARD OF PAROLE HEARINGS****Conditions of Parole**

This emergency rulemaking by the Board of Parole Hearings changes the Notice and Conditions of Parole which parolees are given upon commencement of parole. This action is taken in response to *Armstrong v. Schwarzenegger* (2002) USDC-ND (No. C-94-2307-CW) and *Valdivia v. Schwarzenegger* (2003) USDC-ED (No. C-94-0671-LK) in which the courts ordered all forms concerning inmates with physical and/or learning disabilities to be simplified and in plain English. (BPH File No. RN 06-01).

**Title 15**

California Code of Regulations

AMEND: 2510, 2511, 2512, 2513

Filed 05/01/06

Effective 05/01/06

Agency Contact: Kelly L. Winsor (916) 324-9898

**DEPARTMENT OF FOOD AND AGRICULTURE****Cantaloupe — Jumbo Containers**

Department of Food & Agriculture proposes amendment of 3 CCR secs. 1380.19(h) and 1420.10 to add two new standard cantaloupe shipping containers. This action results from a petition by the California Cantaloupe Advisory Board and is intended to address the marketing and shipping needs of the California cantaloupe industry to enhance competition with other states.

**Title 3**

California Code of Regulations

AMEND: 1380.19, 1420.10

Filed 04/28/06

Effective 05/28/06

Agency Contact: Steve Patton (916) 445-2180

**DEPARTMENT OF FOOD AND AGRICULTURE****Mediterranean Fruit Fly Interior Quarantine**

This regulatory action is the certification of compliance on an emergency action which made a western extension of the boundaries of an existent quarantine area in Rancho Cucamonga in order to encompass part of Pomona in Los Angeles County. Some mated female *Ceratitis capitata* laden with eggs were found in that area. It also includes a slight southern extension to maintain the proper buffer zone due to finding some mated female med-flies in the southern part of an existent quarantine area. The amendments to section 3406(b) both specify that a portion of Los Angeles County will be included in the quarantine area and describe the respective boundary changes for both extensions.

**Title 3**

California Code of Regulations

AMEND: 3406(b)

Filed 04/27/06

Effective 04/27/06

Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF INSURANCE****Credit Property & Credit Unemployment Insurance**

This filing implements the provisions of Insurance Code section 779.36 which apply to credit property insurance, joint credit property insurance, credit unemployment insurance and joint credit unemployment insurance.

**Title 10**

California Code of Regulations

ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24

Filed 04/28/06

Effective 05/28/06

Agency Contact: Michael Riordan (415) 538-4226

**DEPARTMENT OF MOTOR VEHICLES****Traffic Violator School Instructor Examinations**

Per Vehicle Code §11200 the Department of Motor Vehicles is tasked with licensing schools for traffic violators. Additionally, per section 11206, DMV shall license traffic violator school instructors. There are several requirements that a person must meet in order to be licensed. One of the requirements is the passage of an exam testing knowledge of traffic laws, safe driving practices, operation of motor vehicles, and teaching methods and techniques. Currently applicants can take the exam at various DMV locations. In this rulemaking DMV is reducing the number of questions from 100 to 50 and authorizing traffic violator schools to administer the exam. This rulemaking also codifies an existing practice of charging \$1 more for the license to cover costs of the Family Support Program (FSP). The FSP requires DMV to notify applicants listed on the state's Department of Social Services list of individuals who are in noncompliance with a support order or judgment that the issuance or renewal of their license will be withheld.

**Title 13**

California Code of Regulations

ADOPT: 345.07 AMEND: 345.06

Filed 05/02/06

Effective 06/01/06

Agency Contact: Randi Calkins (916) 657-8898

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN NOVEMBER 30, 2005 TO  
MAY 03, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

03/28/06 AMEND: 1395  
03/27/06 ADOPT: 250, 260, 270, 280 AMEND: 55  
12/29/05 AMEND: 1038

**Title 2**

04/24/06 AMEND: 20108.70, Division 7  
04/10/06 ADOPT: 20108, 20108.1, 20108.12,  
20108.15, 20108.18, 20108.20,  
20108.25, 20108.30, 20108.35,  
20108.36, 20108.37, 20108.38,  
20108.40, 20108.45, 20108.50,  
20108.51, 20108.55, 20108.60,  
20108.65, 20108.70, 20108.75,  
20108.80  
04/04/06 ADOPT: 18215.1 AMEND: 18225.4,  
18428  
03/14/06 ADOPT: 1859.70.3, 1859.71.5,  
1859.78.9, 1859.93.2, 1859.93.3  
AMEND: 1859.2, 1859.61, 1859.74,  
1859.77.1, 1859.79, 1859.79.2, 1859.83,  
1859.104, 1859.202, 1859.66  
03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5,  
56.6, 56.7, 56.8  
02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4  
02/21/06 AMEND: 2320(a) (2)  
02/21/06 ADOPT: 18371  
02/21/06 ADOPT: 18361.10  
02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554,  
2555, 2556  
02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700  
01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150  
01/24/06 REPEAL: 649.23, 649.25, 649.26,  
649.27  
01/23/06 AMEND: 18351  
01/20/06 AMEND: 1897  
01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300  
01/17/06 ADOPT: 560 REPEAL: 560  
12/29/05 AMEND: 18329.5, 18701, 18751  
12/21/05 AMEND: 599.960, 599.961

12/20/05 AMEND: 18700, 18707, 18708  
12/12/05 ADOPT: 20108, 20108.1, 20108.12,  
20108.15, 20108.18, 20108.20,  
20108.25, 20108.30, 20108.35,  
20108.36, 20108.37, 20108.38,  
20108.40, 20108.45, 20108.50,  
20108.51, 20108.55, 20108.60,  
20108.65, 20108.70, 20108.75, 20108.80

**Title 3**

04/28/06 AMEND: 1380.19, 1420.10  
04/27/06 AMEND: 3406(b)  
04/13/06 AMEND: 1446.4, 1454.10, 1462.10  
04/11/06 AMEND: 3700(c)  
04/11/06 AMEND: 3700(c)  
04/10/06 AMEND: 3406(b)  
03/30/06 AMEND: 3406(b)  
03/28/06 AMEND: 3406(b)  
03/23/06 ADOPT: 6310 AMEND: 6170  
03/07/06 AMEND: 3700(c)  
03/01/06 AMEND: 3406(b)  
02/22/06 AMEND: 3406(b)  
02/21/06 AMEND: 3433(b)  
02/21/06 AMEND: 3700(c)  
02/21/06 ADOPT: 3591.19(a)(b)(c) AMEND:  
3591.19(a)  
02/16/06 ADOPT: 3433  
02/07/06 AMEND: 6502  
02/02/06 AMEND: 3700(c)  
01/12/06 AMEND: 6393, 6394, 6395, 6396  
12/28/05 ADOPT: 6576, 6950  
12/28/05 AMEND: 3406(b)  
12/15/05 AMEND: 6400  
12/13/05 AMEND: 3700(c)  
12/01/05 AMEND: 3700(c)

**Title 4**

03/24/06 ADOPT: 10175, 10176, 10177, 10178,  
10179, 10180, 10181, 10182, 10183,  
10184, 10185, 10186, 10187, 10188,  
10189, 10190, 10191  
03/23/06 ADOPT: 10302(bb), 10305(d), 10305(e),  
10315(d), 10315(j), 10320(b), 10322(e),  
10325(c), 10325(c)(3)(K), 10325(c)(6),  
10325(c)(8), 10325(c)(12), 10325(f)(7),  
10325(f)(10), 10325(g)(5)(B)(ii),  
10325(g)(5)(B)(iv), 10325(g)(5)(B)(v),  
10326(g)(6), 1036(g) (7),  
02/28/06 AMEND: 4143  
01/25/06 ADOPT: 12002, 12004, Appendix A  
AMEND: 12100, 12200, 12220, 12300  
01/20/06 ADOPT: 1843.6  
01/09/06 ADOPT: 1902.5  
01/09/06 ADOPT: 1690.1

12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074, 8076  
 12/21/05 ADOPT: 12359  
 12/14/05 AMEND: 7075, 7082, 7084, 7092, 7093, 7094, 7098  
 12/05/05 REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7  
 12/05/05 AMEND: 1977

**Title 5**

04/28/06 AMEND: 51026, 53206, 54024, 54100, 54616, 54700, 54706, 55005, 55160, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55403, 55404, 55512, 55522, 55530, 55605, 55675, 55753.5, 55753.7, 56000, 56050, 56062, 56200, 56201, 56202, 56204,  
 04/04/06 AMEND: 11704  
 03/16/06 ADOPT: 15566, 15567, 15568, 15569  
 03/16/06 ADOPT: 1207.1, 1207.2 AMEND: 1204.5  
 02/17/06 ADOPT: 19827 AMEND: 19814, 19814.1, 19851, 19853  
 01/19/06 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7  
 12/30/05 AMEND: 58050, 58164, 58168, 58170, 58172  
 12/29/05 ADOPT: 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687 AMEND: 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4660, 4662, 4663, 4664, 4665, 4670, 4910 REPEAL: 4661, 4671  
 12/12/05 ADOPT: 80033.2  
 12/07/05 AMEND: 43810  
 12/06/05 ADOPT: 11963.5 AMEND: 11704, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6

**Title 8**

04/19/06 AMEND: 3395  
 04/17/06 AMEND: 2320.4(a)(3)  
 04/11/06 ADOPT: 32613 AMEND: 32130, 32135, 32140, 32155, 32190, 32325, 32350, 32400, 32450, 32500, 32602, 32604, 32605, 32607, 32609, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32680, 32690, 32781, 32980, 33020, 40130,  
 04/04/06 ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204, 1205, 1210, 1215, 1216, 1217, 1220, 1225, 1230, 1240, 1250, 1270, 1280

04/03/06 AMEND: 1720  
 03/22/06 AMEND: 9701, 9702, 9703  
 03/15/06 AMEND: 1710(f)  
 03/14/06 ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784  
 02/28/06 AMEND: 1644  
 02/27/06 AMEND: 3637, 3638, 3639, 3640, 3642, 3646  
 02/22/06 ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12  
 02/14/06 AMEND: 31100  
 02/09/06 AMEND: 15201, 15300, 15400, 15400.2, 15402.4, 15450.1, 15452, 15454, 15463  
 02/09/06 ADOPT: 296.0 296.1, 2.96.2, 296.3, 296.4 AMEND: 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 295.0  
 01/27/06 AMEND: 100, 102  
 01/27/06 AMEND: 1518  
 01/25/06 AMEND: 1635  
 12/20/05 AMEND: 3395  
 12/14/05 AMEND: 6632(f)  
 12/13/05 AMEND: 20299  
 12/05/05 AMEND: 4650

**Title 9**

04/19/06 AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070, 10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195,  
 01/23/06 AMEND: 3400  
 01/19/06 AMEND: 400  
 12/30/05 ADOPT: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415

**Title 10**

04/28/06 ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24  
 04/20/06 AMEND: 2498.5  
 04/18/06 AMEND: 2498.4.9  
 04/18/06 AMEND: 2498.4.9



03/30/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)	02/14/06	ADOPT: 152.00, 190.03, 268.10, 268.12, 280.12, 285.06, 292.06, 340.13
03/24/06	ADOPT: 2498.6		AMEND: 330.08, 345.65 REPEAL: 330.10, 345.67
03/24/06	REPEAL: 2546, 2546.1, 2546.2, 2546.3, 2546.4, 2546.5, 2546.6, 2546.7, 2546.8	01/31/06	ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4 AMEND: 1956.1, 2020, 1021
03/09/06	AMEND: 2697.6		REPEAL: 1956.2, 1956.3, 1950.4
02/28/06	ADOPT: 2713, 2715.5, 2797, 2841.5, 3012.3 AMEND: 2716.5, 2770, 2791, 2792.32, 2795.1, 2846.1, 2846.5, 2846.7, 2849.01, 2930 REPEAL: 2708, 2709, 2821, 2822	01/30/06	AMEND: 77.05, 77.10, 77.15, 77.16, 77.17
02/27/06	AMEND: 2632.5 (c) (1) (A)	01/18/06	AMEND: 553.70
02/09/06	AMEND: 2699.6600	01/13/06	AMEND: 2467, 2467.1
01/31/06	ADOPT: 310.100.4, 310.114.4 AMEND 310.101	01/12/06	AMEND: 970
01/25/06	ADOPT: 2025, 2026, 2027, 2028, 2029, 2030	01/12/06	ADOPT: 1875
01/23/06	AMEND: 2698.99	12/16/05	ADOPT: 253.02 AMEND: 345.16
01/23/06	ADOPT: 2592, 2592.01, 2592.02, 2592.03, 2592.04, 2592.05, 2592.06, 2592.07, 2592.08, 2592.09, 2592.10, 2592.11, 2592.12, 2592.13, 2592.14	12/07/05	ADOPT: 2425.1 AMEND: 2420, 2421, 2423, 2425, 2426, 2427, Incorporated Test Procedures
01/20/06	AMEND: 2498.6	12/05/05	AMEND: 425.01
12/28/05	AMEND: 2498.5	<b>Title 14</b>	
12/13/05	AMEND: 2312, 2312.5, 2315	04/21/06	AMEND: 27.60, 28.59
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03/15/06	AMEND: 351, 357, 371, 376, 377, 378, 380	04/11/06	AMEND: 18454, 18456, 18456.3, CIWMB form 60
02/22/06	AMEND: 51.19	04/10/06	AMEND: 630
02/09/06	AMEND: 1001, 1015 REPEAL: 1020, 1021	04/03/06	ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4
01/31/06	ADOPT: 64.2	04/03/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72
01/19/06	AMEND: 1005	03/28/06	AMEND: 187
01/11/06	ADOPT: 116.2	03/27/06	AMEND: 163.1.
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12/15/05	AMEND: 51.12	03/20/06	AMEND: 27.82
12/01/05	ADOPT: 116.1	03/02/06	ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71
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04/10/06	AMEND: 453.1	02/23/06	AMEND: 2000, 2090, 2105, 2110, 2401, 2420, 2425, 2430, 2501, 2530, 2535, 2540, 2850
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05/02/06	ADOPT: 345.07 AMEND: 345.06	02/09/06	ADOPT: 18459.1.2, Forms 203, 204
04/04/06	AMEND: 423.00		AMEND: 18449, 18450, 18451,
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02/22/06	AMEND: 345.39, 345.45, 345.56, 345.78		
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02/08/06	AMEND: 2310	12/30/05	AMEND: 119.6, 120
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12/19/05	ADOPT: 163.1 AMEND: 163, 164	12/27/05	AMEND: 3005
12/06/05	ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05	12/15/05	ADOPT: 1399.454 AMEND: 1399.434, 1399.436, 1399.450, 1399.451
12/02/05	AMEND: 18660.5, 18660.6, 18660.10, 18660.20, 18660.21, 18660.22, 18660.36, 18660.37	12/13/05	AMEND: 3005
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03/27/06	AMEND: 3176.3	04/20/06	ADOPT: 93119
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01/19/06	AMEND: 3370	04/10/06	ADOPT: 30346.11, 30346.12 AMEND: 30345.2, 30346.6, 30348.3
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03/14/06	REPEAL: 1530	12/09/05	ADOPT: 25106.5–11
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03/13/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034	01/12/06	AMEND: 79, 80
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01/12/06	AMEND: 1313.01	03/20/06	AMEND: 66264.147, 66264.151, 66265.147

03/09/06	ADOPT: 12900	02/01/06	ADOPT: 3989.3
03/07/06	AMEND: 100058, 100066, 100078, 100079	01/20/06	ADOPT: 3939.17
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01/20/06	AMEND: 4448	12/09/05	ADOPT: 3939.19
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12/19/05	ADOPT: 66264.151 AMEND: 66264.115, 66264.120, 66264.143, 66264.145, 66264.147, 66265.115, 66265.120, 66265.143, 66265.145, 66265.147, 67450.13, 67450.30, 67450.49	04/24/06	AMEND: Adding a title to Ch. 7, Subchapter 21
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04/25/06	ADOPT: 2919	12/19/05	ADOPT: 11101, 13302 AMEND: 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207, 19300, 19301, 19400
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03/28/06	ADOPT: 3944.2	01/13/06	ADOPT: 15241, 15242
03/22/06	ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37	<b>Title 28</b>	
03/13/06	ADOPT: 3939.21	12/14/05	AMEND: 1300.75.4
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		04/03/06	AMEND: 11-501, 42-302, 42-701, 42-711, 42-712, 42-713, 42-715, 42-716, 42-718, 42-719, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111, 63-407 REPEAL: 42-710
		02/10/06	AMEND: 63-103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)
		01/23/06	AMEND: 42-101
		01/12/06	AMEND: 11-400, 11-402, 11-403, and 11-406